

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DAVID TROUPE,

Plaintiff,

v.

ADAM KAPA, DANIEL WISTIE,
RICHARD HAYWARD, C/O SORSBY,
ANDREW WILLIAMS, EDWIN
HOSKINS,

Defendants.

No. C14-5529 RBL-KLS

**ORDER DIRECTING DEFENDANTS
TO FILE SURREPLY TO PLAINTIFF'S
MOTIONS (Dkts. 43 and 44)**

Plaintiff David Troupe now files his second motion to extend discovery and third motion to compel the production of discovery. Dkts. 43 and 44, respectively. The Court requires further information before ruling on the motions.

DISCUSSION

On September 22, 2014, the Court set the deadlines for discovery on March 20, 2015 and for the filing of dispositive motions on May 15, 2015. Dkt. 17. On January 5, 2015, the Court struck Defendants' motion for summary judgment pending completion of discovery. Dkt. 27. On April 1, 2015, the Court granted Mr. Troupe's request for a sixty day extension and reset the deadlines for discovery to May 15, 2015 and the filing of dispositive motions to July 17, 2015. Dkt. 38.

1 Mr. Troupe now requests an additional 180 day extension of the discovery deadline “due
2 to depression, ADD, PTSD, and BPD.” Dkt. 43. He claims that he suffers from multiple mental
3 health issues, cannot write for long periods of time, and has limited access to legal research and
4 his legal materials. *Id.* He also contends that an extension is warranted because he cannot pay
5 for discovery. Dkt. 43. The Court previously allowed Mr. Troupe an additional sixty days to
6 organize his litigation and conduct discovery. Within this time, however, the parties have failed
7 to resolve a dispute over the production of documents responsive to Mr. Troupe’s discovery
8 requests.
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10 The Court is aware that Mr. Troupe has sought the production of documents and that
11 counsel for defendant has withheld the documents because Mr. Troupe is unable to pay for
12 copying costs. The Court previously denied two of Mr. Troupe’s motions based on his indigent
13 status. Dkts. 38 and 42. Defendants informed the Court that they have identified each set of
14 responsive records along with a brief description of what the records contain, have offered to
15 provide a disk with the discovery documents that could be mailed to a third party to review and
16 make copies, and have offered to print the responses double-sided to save fifty percent of the
17 cost. Dkt. 46, p. 4. In response, Mr. Troupe raises various objections to these proposed options
18 but notably states that he “has made \$58.33 available to Ms. Beach to cover the copy and postage
19 costs, but so far she’s refused.” Dkt. 47, p. 4. Mr. Troupe also mentions litigation costs of
20 \$50.00, but it is unclear whether this is the amount of copying and mailing the discovery to Mr.
21 Troupe. *Id.*
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24 Accordingly, it is **ORDERED**:

25 (1) Defendants shall file a surreply to Plaintiff’s response (Dkt. 47) on or before **June**
26 **19, 2015**. Defendants shall include a description of the responsive records at issue, the amount

1 of pages, and a breakdown of the costs associated with production. Defendants shall also
2 respond to Plaintiff's statement that counsel has refused \$58.33 to cover copy and postage costs.

3 (2) Plaintiff's second motion for an extension of the Court's pretrial deadlines (Dkt.
4 43) and third motion to compel discovery (Dkt. 44) are **re-noted for June 19, 2015**.

5 (3) The Clerk shall send copies of this Order to Plaintiff and counsel for Defendants.
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7 **DATED** this 8th day of June, 2015.

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10 Karen L. Strombom
11 United States Magistrate Judge
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